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Attorneys for Creditor/Plaintiff
CAROLYN P. MENDOZA

IN THE UNITED STATES BANKRUPTCY COURT

DISTRICT OF HAWAII

In Re:	)	Case No. 13-01333
	)	(Chapter 7)
DWAYNE K. MENDOZA and)	
NILA T. MENDOZA,	)	Adv. Proc. No. 16-90020
	)	(Dischargeability – Domestic Support)
Debtors.)	
	)	PLAINTIFF’S SEPARATE AND
	)	CONCISE STATEMENT OF FACTS
CAROLYN P. MENDOZA,	)	IN SUPPORT OF PLAINTIFF’S
	)	MOTION FOR JUDGMENT ON THE
Plaintiff,	)	PLEADINGS OR FOR SUMMARY
	)	JUDGMENT
vs.)	
)	
DWAYNE K. MENDOZA,)	
)	
Defendant.)	
)	

**PLAINTIFF’S SEPARATE AND CONCISE STATEMENT
OF FACTS IN SUPPORT OF PLAINTIFF’S MOTION FOR
JUDGMENT ON THE PLEADINGS OR FOR SUMMARY JUDGMENT**

COMES NOW, Plaintiff CARPOLYN P. MENDOZA, by and
through her attorneys, DAN S. IKEHARA and JOYCE J. UEHARA, and pursuant
to LBR 7056-1(a), hereby submits this Separate and Concise Statement of Facts in
Support of Plaintiff’s Motion for Judgment on the Pleadings or for Summary
Judgment.

	Undisputed Material Fact	Evidentiary Support¹
1	Plaintiff and Defendant were divorced on October 28, 1993.	Divorce Decree, Dkt. #1, Page 6.
2	The Family Court ordered Defendant to pay alimony/spousal support to Plaintiff.	<i>Id.</i> ¶4.b., Dkt. #1, Page 7.
3	Defendant filed his chapter 13 bankruptcy petition on August 6, 2013.	<i>In re Mendoza</i> , Case No. 13-01333, Voluntary Petition, Dkt. #1.
4	Defendant listed Plaintiff’s alimony claim as a priority unsecured debt on his bankruptcy Schedule E.	<i>Mendoza</i> , Schedule E, Dkt. #1, Page 19.
5	Defendant acknowledged that Plaintiff’s claim is for a domestic support obligation.	<i>Mendoza</i> , Schedule E, Dkt. #1, Page 18.
6	Defendant disputed Plaintiff’s spousal support claim.	<i>Mendoza</i> , Schedule E, Dkt. #1, Page 19.

¹ Plaintiff requests that this Court take judicial notice of these facts to the extent a basis for judicial notice is plainly evident from the context of Plaintiff’s Motion and this Statement.

7	Plaintiff filed a Proof of Claim for Plaintiff's spousal support claim.	<i>Mendoza</i> , Claim 3-1.
8	Plaintiff also objected to Defendant's proposed chapter 13 plan because it did not provide for payment of Plaintiff's spousal support claim.	<i>Mendoza</i> , Objection to Chapter 13 Plan, Dkt. # 17.
9	Defendant converted his chapter 13 case to a chapter 7 case.	<i>Mendoza</i> , Debtor's Notice of Conversion of Chapter 13 Case to Chapter 7 Case, Dkt. #58, Order Granting Debtor's Notice of Conversion, Dkt. #59.
10	On May 28, 2014, the Family Court entered the Order Re: Plaintiff's Motion for Post-Decree Relief Filed 4/14/14, granting judgment against Defendant and in favor of Plaintiff in the amount of \$103,011.78 plus post-judgment interest.	Order Re: Plaintiff's Motion for Post-Decree Relief Filed 4/14/14, Dkt. #1, Page 15.
11	On June 24, 2014, the Family Court entered Judgment against Defendant and in favor of Plaintiff for unpaid spousal support in the amount of \$103,011.78 plus post-judgment interest.	Judgment, Dkt. #1, Page 16.
12	On August 13, 2014, the Family Court entered the Order Re: Defendant's Motion for Post-Decree Relief Filed 6/13/14 and Plaintiff's Motion for Post-Decree Relief Filed 7/10/14, awarding Plaintiff an additional \$500.00 in unpaid alimony.	Order Re: Defendant's Motion for Post-Decree Relief Filed 6/13/14 and Plaintiff's Motion for Post-Decree Relief Filed 7/10/14, Dkt. #1, Page 17.
13	On October 1, 2014, the Family Court entered Amended Judgment against Defendant and in favor of Plaintiff for unpaid spousal support in the amount of \$103,511.78 plus post-judgment interest.	Amended Judgment, Dkt. #1, Page 19.

14	On November 7, 2014, the Amended Judgment was recorded in the Bureau of Conveyances of the State of Hawaii as Document #A-54240966.	Amended Judgment Cover Sheet, Dkt. #1, Page 18.
15	Plaintiff seeks a determination by this Court that Plaintiff's spousal support claim in the amount of \$103,511.78 is nondischargeable.	Complaint, Dkt. #1, Page 5;
16	It is undisputed that Plaintiff's spousal support claim in the amount of \$103,511.78 is nondischargeable.	Complaint ¶14, Dkt. #1, Page 4; Answer ¶1, Dkt. #40, Page 2.

DATED: Bothell, Washington, August 19, 2016.

/S/ DAN S. IKEHARA

DAN S. IKEHARA

JOYCE J. UEHARA

Attorneys for Plaintiff/Creditor

CAROLYN P. MENDOZA